

**THE SEWER BOARD OF THE CITY OF NEW ALBANY, INDIANA HELD A MEETING IN THE 3<sup>RD</sup> FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING, NEW ALBANY, INDIANA ON TUESDAY, OCTOBER 2, 2007 AT 3:30 P.M.**

**PRESENT:** Chairman Mayor James Garner, Vice Chairman Bill Utz, Kevin Zurschmiede and Larry Kochert.

**OTHERS:** Attorney Greg Fifer, Tim Crawford, Brian Dixon and Rob Sartell, EMC, and City Clerk Marcey Wisman.

**CALL TO ORDER:**

**Mayor Garner called the meeting to order 3:30 p.m.**

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Utz moved to approve the October 2<sup>nd</sup> meeting minutes with changes, Mr. Kochert second, all voted in favor.**

**COMMUNICATIONS - PUBLIC:**

**Mr. Scifers** stated that he has talked with a lot of people about his claim and no one has told him anything.

**Mayor Garner** stated that he knows that Mr. Gibson has it and that his secretary is in the process of preparing the claim for the Controller's Office. He asked Ms. Welsh to check on that Thursday when Mr. Gibson is in.

**Donald Johnson, Sr.,** asked if there was time limits on when they can collect past due bills and why did it take them so long to let the property owners know.

**Mayor Garner** explained that the board's attorney has informed them that there is no limitation on the amount of time that they can go back and collect money that is due to the City as long as the property owner is the same. From the standpoint of getting information from IN-AWC or our sewer office about a renter, we can only give you information that is up-to-date that day.

**Mr. Johnson** asked if they thought that was a fair way to treat a citizen that has been on the voter registry for over 50 years.

**Mayor Garner** I do not think the system was being worked correctly back in 1999-2003.

**Mr. Johnson** asked if there was anything they were going to do about it. He asked about the people that work down at the sewage plant and was told they have some money somewhere like \$50,000.

**Mayor Garner** stated that was Storm Drainage not Sanitary Sewer.

**Mr. Johnson** said well this thing says Storm Drain/Sewers.

**Mayor Garner** stated that it is a combined bill but Storm Drainage is a fee that was put on approximately two years ago.

**Mrs. Welsh** looked at his pre-lien letter and explained that it was a delinquent bill from Helvey.

**Mr. Johnson** stated that those are over 10 years old.

**Mayor Garner** stated that 1999 is the latest they have.

**Mr. Johnson** stated that he has a receipt book from when this guy lived in his house. He said when they went to collect it might have been 1999. He stated that he thinks if they have any control over it they should help the property owners and give them the 90 day notices.

**Mayor Garner** stated that they are doing that now and it has been done during his administration, but the previous administration didn't because they didn't know what to do with them when they got the information after four years saying we can't collect these it is your responsibility now.

**Mr. Johnson** asked why they are collecting them now.

**Mayor Garner** explained that they were told by the State Board of Accounts that they have to go collect these because they are duly owed to the city.

**Mr. Johnson** stated that if they have a way of fixing these things they should and they should let the water and sewage company know before it got out of hand.

**Mayor Garner** stated that he believes him and understands his situation and no one is questioning them. He explained that if you have a tenant move out then you should call the sewage offices.

**Mr. Johnson** stated that is not his responsibility and that he didn't know the tenant was behind. He asked if he is supposed to call every time a tenant moves out.

**Mayor Garner** said yes you are.

**Mr. Johnson** asked what their responsibility to the tax payers is.

**Mayor Garner** stated that it is their responsibility to go after the person who is delinquent on their bills.

**Mr. Johnson** stated that they needed to go after the tenant first then. He asked how long they pursued that before going to the property owner.

**Mayor Garner** stated that it depends on the situation. He stated that IN-AWC tries to collect it first and then they come to the City. He stated that he wasn't a part of the administration then so he can't speak for what they did or did not do. He explained that he can't tell him how old the bill is because they do not have that information but as the property owner he owes the money and there is nothing more to discuss.

**Ms. Fondree**, Director Montessori School, stated that a couple of months ago Chris Conrad informed the board that the school wanted to take out the grease trap in phase II because they were able to take it out in phase I and the school house rules state that it has to be on the outside of the building. She stated that they had a motion to be voted on.

**Mayor Garner** stated that he remembered and that the school didn't need a grease trap but they needed a waiver explaining that they didn't need one.

**Mr. Dixon** stated that he had spoke with Mr. Fondree and he explained that he couldn't give a waiver that it had to come from the board.

**Mr. Kochert** asked if they were going to serve food at all.

**Mr. Dixon** stated that the kids bring their own lunches.

**Mayor Garner** stated they needed a motion.

**Mr. Utz made a motion for a waiver for the grease trap, Mr. Zurschmiede second, all voted in favor.**

**Janice Shannon-Smith**, 415 Hauss Avenue, approached the board regarding a pre-lien letter that she received and that the name of the renter on the lien never rented from her and she doesn't understand how this can happen because she has to show proof of ownership before she could have the water turned on.

**Ms. Welsh** explained that in the past a tenant could put their water in anyone's name. She stated that they didn't require social security numbers so they could put it in their children's names and then the property owner would come back and say they never rented to this person when it could have been a boyfriend or anyone. She stated that now they are making an effort to tighten the security on that process.

**Mayor Garner** stated that any name change would get your water turned back on then and that is why there is so much confusion.

**Ms. Smith** asked if there was a possibility of an extension because she was notified on October 8<sup>th</sup> that she had until November to pay \$600.00 from one of her previous tenants.

**Mayor Garner** stated that this board hasn't made any other extensions but what happens is that once the lien goes on that she can make payments to the County Treasurers office which goes towards that lien.

**Ms. Smith** wanted to know if she could make arrangements to start paying that now.

**Mr. Fifer** stated that the way it would work is the lien gets recorded prior to March 1<sup>st</sup> and it is posted as part of your property taxes for the following year so you have at least 18 months of time before any action is taken assuming that your real estate taxes are otherwise paid. He stated that if the real estate taxes are behind it will go on a tax sale anyway and this would all catch up with it but this bill itself would not cause any adverse action against her property for at least 18 months after the lien goes on record so she will have that time to bring it current without penalty, and it gets it off the books from the sewer office so that they can comply with the State Board of Accounts.

**Ms. Welsh** stated that she will be able to make whatever payment she can with the treasurers office during that time but a fee from both them and the Recorder's Office will be assessed. She explained the fee is per property not per lien.

#### **COMMUNICATIONS - CITY OFFICIALS**

**Warren Nash** addressed the board regarding the Solid Waste district and what they are doing. He discussed a day for collection of unused medications. He also discussed the opening of the Hazmat collection center at the sewer plant.

#### **SEWER ADJUSTMENTS:**

**Ms. Welsh** stated that there is an adjustment for Richard Riley in their packet that was just for their information. She reported that Regina and Jeff Hubbard, 3926 Douglas Avenue, was requesting an adjustment in the amount of \$575.20 for a leak at the side meter that flowed into the yard.

**Mr. Utz** asked why there was such a difference in the amount of usage from May to June and he wondered if they had a pool.

**Mayor Garner** stated that they would have to send someone out to see if they have a pool.

**There was a lengthy discussion regarding the reading dates and they decided to send Chris out to see if there was a pool.**

**Ms. Welsh** stated that they have a request from a developer, AFC LLC, she stated that he is requesting an adjustment on their third bill from the time they had their water turned on and the time they laid sod and he wants the minimum bill on the third one.

**Mr. Kochert moved to approve, Mr. Utz second, all voted in favor.**

**Ms. Welsh** reported on a request for an adjustment for 416 W. 7<sup>th</sup> St., owned by Paul Hsiao who is requesting \$1,887.26, but he owes almost \$6,000 in charge off's and delinquents and she wanted the board to be aware of that before they made a determination.

**Mr. Fifer** stated that they need to have Kelly figure out what is due and owing and that they would have to pay all but what the adjustment is for.

**Mayor Garner** stated that they will need to know what all the charge off's are and to let them know that would be the amount they would have to bring current in order for the board to give an adjustment.

**Ms. Welsh** stated that she thinks most of what she gave in the handout is charge off's.

**Mayor Garner** stated that he needs a motion to allow Ms. Welsh the authority to charge off the amount in 60 days if the owner comes current.

**Mr. Kochert moved to approve, Mr. Utz second, all voted in favor.**

**Ms. Welsh** informed the board that she has received a list from IN-AWC of addresses that are not being billed for sewage.

**Mr. Fifer** stated that he thought this had already been taken care of.

**Mrs. Welsh** stated that these are 25 more addresses.

**Mr. Dixon** stated that there are a couple houses where there is a line in the street.

**Mr. Fifer** told him to get with Reed Streigle to go out and check to see if these houses are on the sewers.

**There was a lengthy discussion regarding individuals on the list.**

#### **NEW BUSINESS:**

#### **OLD BUSINESS:**

##### **Item #1 - Donohue re: Project Update**

**Mr. Elling** reported that on the master plan he has turned over all the flow information to Clark Dietz and they are searching a couple areas more carefully and he has found that in Basin 1 there is a manhole that is over-flowing.

**Mr. Dixon** stated that he was unaware of a manhole that over flows but he did find some flood valves that were stuck half open.

**Mr. Elling** stated that Hans has also found a problem area in Basin 19. He said that there is nothing over flowing but the levels do rise significantly. He also presented a list of projects that they are working on and a map showing where they are currently monitoring and where they propose they install flow monitors.

**There was a lengthy discussion regarding the proposed locations for flow monitoring and the types of monitors he would recommend.**

**Brian Dixon** stated that on the 15<sup>th</sup> Street project they are finished with the cleaning and televising of the storm line and there were several areas that are in bad shape by Spring Street and crossing under the railroad track.

**Mr. Elling** stated that at the last meeting Mr. Fifer had asked him to put together specs for the strainers at the plant and he estimated that it would cost \$120,000 but the quotes could come in lower than that.

**Mr. Utz** stated that it would have been nice if this had been figured into the capital projects list.

**Mr. Fifer** stated that he thinks they should wait to decide until Rob Sartell is back.

## **Item #2 - Clark Dietz re: Project Update**

**Mr. Christmas** gave them a revised calculation of the Basin 3 and 4 flow monitoring. He stated that they had calculated it in a different manner than what the EPA wants but it is still a large number of I & I removed. He presented a memo that Mr. Fifer can attach to a letter to for the EPA. He reported that all the new projects are under way.

**Mr. Fifer** reported that he has talked with the people from Meijers and everything is taken care of and they have agreed to the amount for the easement.

**Mr. Christmas** reported that boring is complete so they shouldn't be at Meijers for quite a while. He stated that they were able to complete the boring without digging up the bore head on the other side of KFC.

**Mr. Dixon** stated that he has a request to schedule those for the last Thursday of the month so that they would have pay requests turned in by then and whatever work they did they could bring before the board for the first meeting each month. He explained that the first meeting in November is the 7<sup>th</sup> and unfortunately they won't get the info that month until the 2<sup>nd</sup> so if things went as scheduled they wouldn't get paid until the end of December. He wanted to ask the board if he and Wes review the pay request if he can contact the board by email to see if they can get it by November 2<sup>nd</sup> to process the claims.

**Mr. Fifer** stated that he did speak with Mr. Theinamen this morning on the Stone Crest project and he is going to build 90 patio homes and he will pay in advance the amount of \$280,000 for tap in fees.

**Mr. Utz** asked what the dates were.

**Mr. Fifer** stated October 1<sup>st</sup> and May 1<sup>st</sup> but that they weren't set in stone.

**Mayor Garner** stated that he showed the letter to Mr. Schmitt and he asked the City Clerk to go back to the minutes during this time period because he believes that they did not do the work because the building was not stable and they did not want to be liable for any damages that may occur and informed the property owner that they had to shore up the building before they would go into the building.

## **EMC REPORT:**

**Mr. Dixon** reported that S. Audubon is half way done. They have not been able to find the man hole at the grade break and they will be installing one. On Lewis Street they pipe burst the line and there are some laterals that they did not connect at this time. Also, in the lower part of that line it runs under a u-store-it area.

**Mayor Garner** stated that he has also been informed by the State that they have to have a hearing on the second Wednesday of November to set a wage rate for this project.

**There was a lengthy discussion regarding the process of setting up a commission and the amount the project could go up based on the wage rate.**

**BIDS:**

**CLAIMS:**

**Mr. Dixon presented the following invoices in the total amount of \$42,484.11 for approval:**

Cornell Harbison Excavating, Inc.	Invoice #5884	\$19,300.00
K&E Environmental	Invoice #512	\$2,103.24
New Albany Municipal Utilities	Basin 14	\$114.12
	WWTP Fee	\$1,464.54
	Old Ford Lift	\$9.51
Clark Dietz	Invoice # 42219	\$10,600.00
	Invoice # 42220	\$1,635.00
	Invoice # 42221	\$3,450.00
	Invoice # 42222	\$3,807.70

**Mr. Utz** stated that they are being charged an additional \$133 for a previous balance.

**Mr. Fifer** stated that by law they are not authorized to pay delinquent fees.

**Mr. Utz stated** that it looks like that they are from the invoice.

**Mr. Fifer** stated that they need to dispute it then.

**Mr. Utz moved to approve the claims as submitted with exception of the storm water fee which needs to be reviewed, Mr. Kochert second, all voted in favor.**

**Mr. Utz** asked about the letter to John Mattingly.

**Mr. Fifer** stated that he spoke with him today and he did not keep any documentation from the Andres for the connection and he will authorize the investigation agency to release that document to us.

**ADJOURNMENT:**

**There being no further business before the Sewer Board, the meeting adjourned at 5:10 p.m.**

**Respectfully submitted,**

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**Mayor James Garner, Chairman**

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**Marcey Wisman, City Clerk**